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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,070	03/16/2001	Hiroshi Itani	914-125	5553
23117	7590	09/21/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			SHAH, SANJIV	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,070

Applicant(s)

ITANI ET AL.

Examiner

Sanjiv D. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al. (Pat # 6, 147,977) in view of Huna (pat# 6,438,217).

Regarding claims 1, 4, 7 and 10-13, Thro discloses:

An electric mail sending apparatus, comprising:

An attribute table storing a display form defined based on a terminal model name (Thro On col. 4, lines 65-66, see Figure 2, item 74: teaches display preference table);

An accepting device for accepting a receiver's terminal model name that is input by a user (Thro on col. 5, lines 2-11 teaches user selects type of display format the incoming messages should be displayed also see col. 2, lines 57-63, wherein user identification is retrieved which is equivalent to claimed receiving terminal model name)

A reader connected to the attribute table and the accepting means for reading the display form defined based on the receiver's terminal model name from the attribute table (Thro on col. 5, lines 3-25 teaches the user's cellular telephone can display the message as a page or voice from reading user's selected preferences);

A display connected to the editing device and the reader for displaying the electric mail

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Text based on the display form read from the attribute table (Thro on col. 4, line 65- col. 5, line 25: teaches user selects type of display format indicated in the display preference table)

A sending device connected to the editing device for sending the electric mail (Thro on Col. 5, lines 22-25 teach sending messages to the user's cellular telephone).

However, Thro does not explicitly disclose "an editing device for composing and editing A text of an electric mail" and "wherein the electric mail text based on the display form is displayed on the display of the electric mail sending apparatus before the electric mail is sent by the sending device to the receiver's terminal".

Huna discloses creating and composing a message on a data entry web page; wherein the message text on the data entry area can be previewed as plain text or html before sending the message to the recipient; when the message is sent to the recipient device the message is translated to the format compatible with receive device (see Figures 6-7 and Figure 8, items 810, 816, and 822, and col. 16, lines 24-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Huna into Thro to provide a data entry area to compose a message and preview the message before sending it to the recipient's device, as taught by Huna, incorporated into the messaging system of Thro, in order to provide the capability of composing future messages in a type of format compatible to the receiving device.

Regarding dependent claims 2, 5, and 8, Thro discloses:

wherein the attribute table stores a number of lines that is displayable on a display screen of a receiver's terminal and a number of characters per line, the reading means includes number-of-character reading means for reading the number of lines that is displayable on the display screen of the receiver's terminal and the number of characters per line, and the display means includes means connected to the editing means and the number-of-character reading means for displaying the electric text based on the displayable number of lines and the number of characters per line that are read from the attribute table (Thro on col. 4, lines 65-66 teaches display preference table 71 includes a field for devices and a field for display format and on col. 5, lines 1 1-25 teaches if the user selected that the messages, sent to the facsimile machine, are to be displayed in a standard facsimile format).

Regarding dependent claims 3, 6, and 9, Thro discloses:

wherein the display means displays copy data of the electric text based on the display form read from the attribute table (Thro on col. 5, lines 2-1 1 teaches the message content should only be displayed in text format).

3. Applicant's arguments filed 5/24/2005 have been fully considered but they are not persuasive.

Applicant argues that the cited references show a receiving party and not a sending apparatus as claimed. A sending apparatus is in a preamble. Preamble is generally not

given any patentable weight. However, the receiving party (Cellular phone is also a sending party in broadest reasonable interpretation as user also sends out messages. Therefore applicant's arguments are not persuasive. Applicant also argues that receiving terminal model name is not taught by cited references. Examiner disagrees. Specifically as cited in col. 2, lines 57-63, user's identification information is received, terminal model name is received for identification purposes. Therefore cited prior art does teach claimed limitation. Therefore applicant's arguments are not persuasive.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjiv D. Shah whose telephone number is (571) 272-4098. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanjiv D. Shah  
Primary Examiner  
Art Unit 2625

S. Shah  
September 16, 2005